

Sullivan County NH

Type of meeting: Board of Commissioners, Public Business Meeting

Date/Time: Tuesday, September 04, 2007; 3 PM

Place: Newport County Complex, Remington Woodhull
County Complex 14 Main Street, 1st Floor Business
Conference Room

Attendees: Commissioner Ethel Jarvis - *Chair*, Bennie Nelson - *Vice Chair* (arrived later in meeting), Jeffrey Barrette - *Clerk*, Ed Gil de Rubio - *County Manager*; Greg Chanis - *Facilities & Operations Director*; Dave Laplante - *Sullivan County Health Care Interim Administrator*; Guy Santagate - *Claremont City Manager*; Liz Sweeney - *Community Development Finance Authority (CDFA)*; Neil Cannon - *Capital Region Development Council Executive Director*; Nancy Merrill; Marc Hathaway - *County Attorney* (arrived later in meeting); Sharon Johnson-Callum (*minute taker*).

Other attendees: Peter Franklin - *State/County Delegate* and Aaron Aldridge - *Eagle Times Staff Writer*.

3:09 The Chair, Commissioner Jarvis, called the meeting to order.

Mr. Santagate led all in the *Pledge of Allegiance*.

AGENDA ITEM NO. 1. MEETING MINUTES

AGENDA ITEM NO. 1.A. AUGUST 21, 2007 PUBLIC MEETING MINUTES

It was noted the typed public portion of these minutes were not ready for review.

AGENDA ITEM NO. 1.B. AUGUST 21, 2007 3:30 P.M. EXECUTIVE SESSION MINUTES

3:10 A motion was made, by Commissioner Barrette, to remain sealed, indefinitely, the August 21, 2007 3:30 p.m. Executive Session minutes. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously. Commissioner Nelson was absent from the vote.

AGENDA ITEM NO. 1.C. AUGUST 21, 2007 4:56 P.M. EXECUTIVE SESSION MINUTES

Mr. Gil de Rubio recommended holding off a month on unsealing the minutes in case they decided to go out for bid. Commissioner Jarvis wants the minutes opened and Commissioner Barrette indicated he could see nothing that needs to be closed.

3:11 Commissioner Barrette made a motion to approve and release the minutes of August 21, 2007 4:56 p.m. Executive Session. Commissioner Jarvis seconded

the motion. There was no discussion. A voice vote was taken. The vote carried, unanimously. Commissioner Nelson was absent from the vote.

AGENDA ITEM NO. 1.D. AUGUST 21, 2007 5:17 P.M. EXECUTIVE SESSION MINUTES
Mr. Gil de Rubio sees no problem with unsealing these minutes. Commissioner Jarvis concurred.

3:13 A motion was made, by Commissioner Barrette, to approve and release the August 21, 2007 5:17 p.m. Executive Session meeting minutes. Commissioner Jarvis seconded the motion. A voice vote was taken. The motion carried, unanimously. Commissioner Nelson was absent from the vote.

NON AGENDA ITEM – END OF YEAR FIGURES

Commissioner Jarvis noted she is still concerned about not received 6/30/07 figures. Mr. Gil de Rubio reminded all that reports reflecting 6/30/07 figures, if done before the auditors are complete with their work – that includes transfers/adjustments due to GASB. He does not want inaccurate information being circulated.

3:15 Commissioner Nelson arrived.

AGENDA ITEM NO. AUGUST 29, 2007 SPECIAL MEETING MINUTES

3:16 Commissioner Barrette made a motion to approve the minutes of the special meeting of August 29th. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 2. RICCI GREENE PROPOSAL \$15,000

Mr. Gil de Rubio noted the Sullivan County Criminal Justice Coordinator Committee (SCCJCC) met last week and they recommend making available \$15,000 for the jail needs assessment follow up proposal on cutting costs to the options previously presented. The follow up includes: 1) assess and document the implications of “doing nothing” about the jail problem and 2) develop new cost reduction strategies for the proposed project. He noted all committee members, but one, voted to continue with this follow-up. Commissioner Jarvis indicated there was no budget appropriation for this and distributed a copy of an RSA 24:15 to both Commissioner Nelson and Barrette. She then read through the RSA 24:15.I. “No county commissioner, or elected or appointed county officer, shall pay, or agree to pay, or incur any liability for the payment of, any sum of money for which the county convention has made no appropriation...” She requested they make decision on the law. The Commissioners noted they did not have copies of the proposal. Mr. Gil de Rubio noted they received the proposal as SCCJCC member. He noted the \$15,000 could be taken from a position that is not going to be filled. At this point Board members requested additional copies of the proposal.

3:25 *Ed Gil de Rubio and Ms. Johnson-Callum both left the room to find and make copies of the August 29th Sullivan County Criminal Justice Coordinating Commissioner meeting agenda and proposal.*

While out of the office, Commissioner Nelson asked Mr. Cunningham if he was comfortable with not filling the position. Mr. Cunningham noted the funds available would be from the delay of hiring a person to the position. Commissioner Jarvis requested from Mr. Cunningham copies of the minutes from the SCCJCC.

3:29 *Mr. Gil de Rubio and Johnson-Callum returned.*

Mr. Gil de Rubio confirmed construction would be done in different phases, but that they would be going for just one bond. Commissioner Nelson noted this \$15,000 was intended to explore the merit of the Ricci Greene proposals and costs of each program/stage. The Chair reviewed the \$15,000 proposal with the group and the different scenarios. Mr. Gil de Rubio noted, as a follow up to the regionalization of female inmates, the DOC Superintendent received an RFP from NH State Warden and we will be looking to go for one (1) bed space and use of electronic monitoring which should bring additional revenues into the general fund and should not be too stressful on staff as already doing electronic monitoring. Commissioner Nelson noted this was a back to the drawing board to reduce costs from the original Ricci Greene report, that the money to fund this is from DOC, therefore, he saw no conflict from the RSA. He noted his only concern was with the ambitious time frame, of October, but feels even if it goes beyond the fall - it's not the "end of road".

3:33 Commissioner Nelson, I move we follow the [Sullivan County] Criminal Justice Coordinating Committee's request and use the \$15,000 from the salary line [10.600.10001] to fund looking at these scenarios to see if we can't reduce the cost, or perhaps work together with someone else for females, to study other options to bring down the cost with what we need to do with the Department of Corrections. This will be taken from 10.600.10001 and place in contract services line [10.600.12029]. Commissioner Barrette seconded the motion. Discussion: Barrette would like legal opinion. Mr. Gil de Rubio left the room to request Marc Hathaway join the meeting. [See the rest of this motion at 4:21]

Commissioner Jarvis asked the Board if they wanted to continue to the next agenda item, while Mr. Gil de Rubio was out of the room. The Board agreed to go forth with the next item on the agenda.

AGENDA ITEM NO. 3. PUBLIC HEARING REVIEW

Mr. Guy Santagate noted official Public Hearing for the \$500,000 CDBG request is scheduled for September 18th. He noted this funding would help economics in region and create a revolving loan fund in the county under jurisdiction of the Commissioners. For those unfamiliar with CDBG monies, he noted they come from the Federal

government to the states, NH State then decides what projects they will fund in the state and what regions. An application does not necessarily mean receipt of CDBG funding. CDBG funds pay for two areas: 1) economic development and 2) community development. He noted Claremont used their \$500,000 allotment for this year. He noted it would come through a grant to the County, and then loaned to the non-profit, in this case Wainshall, resulting in a revolving loan fund in the county. He discussed a past partnership with the County of \$100,000 CDBG funds for the Pleasant Valley Estates, to assist in fixing their failed septic system. He noted Wainshall currently has 65 jobs in Lebanon and would move those to Claremont, plus add 30 more positions. Mr. Santagate handed the meeting over to Neil Canon, Executive Director for the CRDC.

Mr. Cannon briefed the group on the history of Western Regional Development/Sullivan County Economic Development Councils (CRDC), and their merger into CRDC, to provide better management and bring more resources to the area. He noted CRDC is a non-profit with a large board, originally formed in 1954. He noted CRDC is officially asking Sullivan County to submit a \$500,000 application under the economic category of the CDBG, less the County's administration expense - estimated at \$12,000, to CRDC in order to lend out to the project recipients. CRDC is lending a total of \$650,000. They will take \$8,000 for CRDC administration and add \$170,000 from CRDC resources. Mr. Cannon reviewed the following benefits of the project:

- Further capitalization of the Sullivan County Loan fund
- New Jobs (about 150) – 65 from Red River and the addition of jobs, a hotel, a restaurant
 - Commissioner Jarvis asked if a survey of private hotel owners in area was done. Mr. Cannon confirmed a feasibility study was done of the marketers in the area, which illustrated the project was feasible. He confirmed it would not shut down any business.
- Downtown Revitalization
- Expansion of Tax Base (\$16,500,000 is only Phase 1). CRDC is putting in \$650,000.

Mr. Cannon discussed the Sullivan County loan fund: amounts outstanding, loans paid off or in default and the 109 jobs created. Per Commissioner Jarvis's request, Mr. Cannon detailed the list of vendor names that the 109 jobs were created at. He noted 3 vendors dealt with manufacturing, where the majority of the positions are, and the other a restaurant. He noted the fund balance was \$1,184,916 effective 6/30/07.

Mr. Gil de Rubio noted to the Board this was a preview of the public hearing. Mr. Cannon confirmed, during the public hearing there will be three items that need to occur:

- 1) approve and amend the Housing Community Development plan
- 2) re-adopt the Residential and Anti-displacement and Relocation Assistance Plan, and
- 3) review the application request, open for public comment, and provide approval to go forth with the CDBG application for the project.

In response to Commissioner Jarvis's question, Mr. Santagate confirmed they were cleaning up the Sawtooth building [a brick building fronting Central/Main Street in Claremont NH], spent enormous effort, time and energy working on what they know is the 2nd largest restoration of mills in the State. It was noted there are 250 spaces in the Sawtooth building and 150 will be in a two to three block area in the down town, he discussed parking and hotel feasibility; during the study, it was found that Claremont citizens wanted more restaurants and hotels. The restaurant to go into this project is a partnership between *The Common Man* owner and Mathew McClear – hotel builder. The other business will be John Ellick, who developed a technology park in Burlington VT, Red River Computer – they have over 100 employees in Wash DC, a facility on the west coast and here in Lebanon – a young growing firm with employee average salary at \$65,000 and some making over \$100,000 a year. This not only brings tax money and jobs, but education, into downtown, and a big development and positive partnership with the County. This CDBG application is a small part, which also includes tax credits. Mr. Santagate noted Neil Cannon and Jack Dugan, Cheshire, has helped immensely with all their CDBG grants.

Commissioner Nelson noted he was thrilled to work with the City of Claremont; the PR will let more communities know the County does this and that they have the option to apply; the grant Boards approve of partnerships/collaborations; he's glad the buildings are getting rehabbed and more than happy to help. He asked, "Is Sawtooth staying?" Mr. Santagate confirmed the façade would remain.

Commissioner Barrette concurred with Commissioner Nelson on all points. His only question: "Is there any liability to County in event of default?" Mr. Cannon noted in event of a borrowing defaulting on a loan that would revert back onto CRDC as the non-profit; the only other way to default is not providing the jobs committed in the application. He assured the Board the CDFA is liberal in extending deadlines to create those jobs, and usually places a seven (7) year deadline for that aspect. It was noted the liability is not to the taxpayer, but to the loan fund. Mr. Cannon also pointed out that "heavy pockets" personally guarantee all loans.

Mr. Gil de Rubio confirmed he'd be sending out a draft script for the Chair for the public hearing.

Those that left the room at this point were: Guy Santagate, Neil Cannon, Ms. Sweeney, and Nancy Merrill.

AGENDA ITEM NO. 2. RICCI GREENE PROPOSAL OF \$15,000 – DISCUSSIONS RESUMED
Marc Hathaway, County Attorney, joined the Board at the table.

The Board of Commissioner, Marc Hathaway and Mr. Gil de Rubio again read through RSA 24:15 and the SCCJCC's proposal. Mr. Hathaway wanted it known he is a member of the committee, was not the one negative vote and will give his best advice. Commissioner Barrette questioned the Boards authorization of appropriations, moving

monies within line item. A discussion commenced between the Board members, Mr. Hathaway and Mr. Gil de Rubio regarding appropriations, authority levels and line numbers.

[See motion that began at 3:33] Commissioner Nelson noted the DOC position is needed and will be filled, but this is just the money that is freed up in the delay in hiring that person. A voice vote was called for. Commissioner Nelson and Barrette voted in favor. Commissioner Jarvis apposed. The vote carried with the majority. [Final vote was made at 4:21 p.m.]

4:22 Mr. Hathaway left the room.

AGENDA ITEM NO. 4 AUTHORIZATION FOR THE COUNTY MANAGER TO APPROVE CREDIT UNION, AFSCME, CHILD SUPPORT, HEALTH CLAIMS AND PRESCRIPTION CHECKS
Mr. Gil de Rubio noted they have been running into a time crunch during payroll weeks with time sensitive issues and are not receiving timely signings from Board members on these specific items. Mr. Gil de Rubio requested they authorize him to release the checks for these specific items: AFSME, Credit Union, child support and Prescription/Health check, which he noted are not regular expense checks. He confirmed the purchase orders will remain in their warrant packets for the review, but he'd like to make sure they are sent out in timely manner.

4:24 A motion was made, by Commissioner Barrette, to authorize the County Manager to approve the Credit Union, AFSCME, child support, health claim and prescription checks, to send to the Treasurer with the understanding it's only those items. Commissioner Nelson seconded the motion. There was no further discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO.5 FACILITIES & OPERATIONS REPORT

Mr. Chanis noted he was there to discuss ongoing project

Newport boiler – While digging the hole for the new tank, they ran into every utility line they could think of and with that down sized the tank from 1,000 to a 500-pound tank. The engineers were consulted and approved of downsizing the tank. The tank is in, the parking lot repaved, and they are now awaiting regulation from Irving Oil, at which time they will then test fire the boiler

FY 08 capital budget: A/C for Sullivan County Health Care facility – Mr. Laplante and Mr. Chanis both met with the County's engineer to discuss equipment, duct work, and they are working on preliminary drawings – this project will include base bids and alternates,

Water well update – Mr. Chanis spoke at lengths with several well companies and two hydrologists who work with the State's small community water systems and hydro sources; their recommendations were similar with only minor differences. He noted Ms. Johnson-Callum found past Board meeting minutes that reviewed well issues for a six-month period, including the issues on DH-4. It appears the water production issues had to do with seismic activity, causing quick drop. In discussions with the hydrologists, they concur it could be possible for fractures to shift and seal. He feels this occurred around 2000. He noted, since the last meeting, he's found records of monitoring wells close to this DH-4 and DH-5, where the static level is high – 10 ft before grade. Both indicate, it's not an aqua fur issue, but well issues that may or may not be able to address. Hydrologist recommendation: pump well dry, take camera to view fractures – to get a good sense if it can be rehabilitated through hydro fracturing. Hydro fracturing can be done in two ways: entire well using baffle at both ends – this way is not affective with deep wells or hydro fracturing certain zones in the well. He noted most companies around here do not have the zone fracturing capability – as a special truck is needed. DH-6 was, per State, to be used for back up only, but this has become our main source. He noted it was difficult to anticipate the cost at this point and discussed the process of getting a new well on line. He noted both hydrologists felt strongly of the potential to rehabilitate DH-6 and DH-4 to a certain extent. Mr. Chanis confirmed the proposal for the new jail included a new well, which would probably be tied into the county's other facilities. DH-4 and DH-5 are within 100 yards, therefore, they are drawing from the same field of water. Commissioner Nelson recommended zone hydro fracturing and using the camera on DH-4, not to take DH-6 off line. Mr. Chanis does not recommend drilling DH-4 deeper, but to send the camera down to view the fractures. Dave Laplante discussed an experience he had with a five well system, which sounded similar to DH-4. He is concern the "clock is ticking, we are using a lot of water" and they will be unable to access the DH-4 area in bad weather conditions. Commissioner Barrette concurred with Commissioner Nelson's approach to DH-4. Commissioner Jarvis spoke of using the Contingency Fund of \$15,000 as she feels this is an emergency situation. The group discussed anticipated costs estimates.

4:50 A motion was made, by Commissioner Nelson, to do the draining for camera work, if it looks promising, hydro fracture to bring on line. Commissioner Barrette seconded the motion. Discussions – Mr. Gil de Rubio noted there are funds in the capital line for this work. Mr. Chanis noted there is a project line item for the replacement of the electrical panels of \$85,000, with \$15,000 committed to transfer switch; although he feels it's important to replace this antiquated equipment he recommends they use that for this project, as more important. A voice vote was taken. The motion carried, unanimously.

Commissioner Nelson asked if the A/C project could be delayed. Mr. Chanis noted they were intending to go out to bid in November, but could delay the bid process one month. They anticipated the work to start late March, to be completed by the end of May, as they enter the hotter months.

AGENDA ITEM NO.6 COUNTY MANAGERS REPORT

AGENDA ITEM NO. 6.A. EXECUTIVE SESSION PER RSA 91:A.3.II.C. – PERSONNEL
AND/OR D. PENDING CONTRACT ISSUE
Delayed to later in meeting.

AGENDA ITEM NO. 6.B. INFORMATION REQUEST POLICY
Mr. Gil de Rubio noted this was just sent to them and can be reviewed and placed on the next agenda. Commissioner Jarvis noted on first review, she'd be requesting a change in the section regarding a charge for photocopying.

AGENDA ITEM NO. 6.C. MEETING NOTICE POLICY
Commissioner Jarvis pointed out the 5/10/99 Attorney General memo about the Right-To-Know law was outdated, and the office could attain an updated one on line. Mr. Gil de Rubio recommended they review this policy also and discuss at the next meeting.

AGENDA ITEM NO.7 COMMISSIONERS' REPORTS

Commissioner Nelson noted he had nothing to report.

Commissioner Barrette asked if the County Manager contacted Department Heads on the Board's request for cost cutting strategies. Mr. Gil de Rubio noted the Executive Session with the Nursing Home Administrator pertained to this issue. He confirmed he has spoken to Sheriff Prozzo, County Attorney Hathaway, and will be speaking with the Registrar of Deeds, Sharron King. Commissioner Jarvis feels they do not understand what tightening the budget means. Mr. Gil de Rubio noted, *"Without a doubt, you have Department Heads in Sullivan County who are conscious of everything they spend, over last budget for 5-6 years layers and layers of budget have been cut. The main thing is staffing issues with the Nursing Home. My biggest point with staff and department heads is just because it's budgeted you don't have to spend it."*

Commissioner Nelson requested the status of information Representative Franklin requested. Mr. Gil de Rubio noted, a lot of the information requested was received by Mr. Franklin through other venues and papers, but he'd creating a folder for Commissioner Nelson this week.

Commissioner Jarvis wants an expense and income report. Mr. Gil de Rubio reminded the Board they have a computer in their office with access to the accounting system. Commissioner Jarvis wants an e-mail of a written report of 6/30/07 revenues and expenses. She noted she should have had this by 8/15/07 and can't continue without this knowledge. Mr. Gil de Rubio reminded the Board they go through this every year, the County is on an accrual system, and it takes time to get accurate projection on accounts. He noted Dept Heads have no trouble operating day to day, that July/Aug is a tough time, and come September the County will have this information. He noted this is due to the system they have, that other counties have the same type of problem, and an audit of the

County cannot be performed within an 8-week period. He pointed out the reports requested stem from the audit. Though Mr. Gil de Rubio reminded the Commissioners they have access to the County's reporting system from their office computer, Commissioner Jarvis noted she wants a paper copy given to her. Mr. Gil de Rubio indicated adjusted journal entries will be made first from the audit before any monthly paper report is distributed.

AGENDA ITEM NO. PUBLIC PARTICIPATION

State Delegate Peter Franklin noted he had a few questions regarding the estimated cash flow spreadsheet distributed at the August 31st Delegation meeting. He and Mr. Gil de Rubio discussed the amounts listed and what the formulas were based on. Mr. Franklin debated the projections, feels Mr. Gil de Rubio "low balled" projections and that they are not accurate. Mr. Gil de Rubio discussed how they were formulated, discussed the agency nursing usage and their anticipation of cutting back on that usage. Mr. Franklin pointed out there was an article in the paper the day of the Delegation meeting, and noted there was a discrepancy between the amount listed in the news article, of \$700,000, vs. the spreadsheet provided to him previously, which listed \$240,000. Mr. Gil de Rubio confirmed the County spent, due to call outs, on agency usage approximately \$700,000. Mr. Franklin requested an updated report detailing the \$700,000. It was requested Mr. Franklin place this in writing. Mr. Franklin discussed the call outs listed on the spreadsheets, noting over 25 people on one day mostly RNA/some LPH, and feels that's extraordinary for one day. He discussed his calculations. Mr. Gil de Rubio confirmed he'd provide him a print out for July and August. Mr. Franklin questioned if agency nursing for FY07 was included in payroll or in expenses on sheet? Mr. Gil de Rubio noted agency was not in payroll, but in the expenses. Again, Mr. Franklin noted he feels this was an extraordinary amount. Commissioner Barrette pointed out \$350,000 for payroll, for a two-week period, calculates to \$700,000 per month. Per Mr. Franklin's inquiries, Mr. Gil de Rubio explained where agency nursing appears in the budget, in the On Call Nursing section. Mr. Gil de Rubio noted they have sufficient staff to handle the need, but are receiving a lot of call outs. Mr. Laplante feels Mr. Franklin may be confused about On Call staffing vs. agency staffing, and discussed the difference. Mr. Franklin and Mr. Gil de Rubio briefly spoke regarding On Call lines used in previous budget years. Mr. Laplante discussed the national trend of most Administrators relying on a healthy pool of On Call personnel, which has shrunk drastically - as those staff have gone to various nursing agencies. Commissioner Nelson pointed out they increased the Per Diem rate as a response to that issue. In response to Mr. Franklin's questions of how many nurses call per day, Mr. Laplante confirmed they received between three (3) to four (4) on a regular basis, they are different people, and depends a lot on where they are with Union negotiations. Mr. Laplante confirmed call outs and using agency nursing was his number one priority. He noted with the new DON they would do training with managers that have become too comfortable with just picking up the phone to call an agency.

Mr. Franklin noted he requested and July/August of this year census and has not received that.

AGENDA ITEM NO. EXECUTIVE SESSION

5:32 A motion was made, by Commissioner Barrette, to go into Executive Session for a personnel issue [Per RSA 91-A:3.II.c.]. Commissioner Nelson seconded the motion. There was no discussion. A roll call vote was taken. The motion carried, unanimously.

5:32 *Representative Peter Franklin and Dave Laplante left the room. The following stayed: Commissioners Jarvis, Nelson and Barrette, Mr. Gil de Rubio, Mr. Cunningham and Sharon Johnson-Callum.*

5:39 A motion was made, by Commissioner Nelson, to come out of Executive Session. Commissioner Barrette seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

5:40 *Dave Laplante entered the room. Ross Cunningham left the room.*

5:41 A motion was made, by Commissioner Barrette, to go into Executive Session for a personnel issue [Per RSA 91-A:3.II.c.]. Commissioner Nelson seconded the motion. There was no discussion. A roll call vote was taken. The vote carried, unanimously.

Those in Executive Session were the three Commissioners, County Manager, Dave Laplante and Sharon Johnson-Callum.

5:55 A motion was made, by Commissioner Barrette, to come out of Executive Session and adjourn the meeting. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Respectfully submitted,



*Jeffrey Barrette, Clerk
Board of Commissioners*

Date signed: 9/20/07

JB/s.j-c.